United Nations A/RES/64/118

General Assembly

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Sixty-fourth session
Agenda item 106

Resolution adopted by the General Assembly

[on the report of the Sixth Committee (A/64/453)]

64/118. Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming, in all its aspects, the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,[1] enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations, and recalling the first biennial review of the Strategy, on 4 and 5 September 2008, and the debates that were held on that occasion,[2]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[3]

Recalling also the United Nations Millennium Declaration,[4]

Recalling further the 2005 World Summit Outcome,[5] and reaffirming in particular the section on terrorism,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to Assembly resolution 51/210 of 17 December 1996,

Recalling also all General Assembly resolutions on measures to eliminate international terrorism and Security Council resolutions on threats to international peace and security caused by terrorist acts,

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[1] Resolution 60/288.

[2] See A/62/PV.117-120.

[3] See resolution 50/6.

[4] See resolution 55/2.

[5] See resolution 60/1.

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Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since,

Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and must adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of the African Union, the ASEAN Regional Forum, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Group of Eight, the Intergovernmental Authority on Development, the International Maritime Organization, the International Civil Aviation Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the Pacific Islands Forum, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of, and adherence to, regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005, 61/40 of 4 December 2006, 62/71 of 6 December 2007 and 63/129 of 11 December 2008 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, adopted in Sharm el-Sheikh, Egypt, on 16 July 2009,[3] which reiterated the collective position of the Non-Aligned Movement on terrorism and reaffirmed its previous initiative calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,[4] as well as other relevant initiatives,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007 and 63/185 of 18 December 2008,

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[3] A/63/965-S/2009/514, annex.

[4] See A/53/667-S/1998/1071, annex I, paras. 143-162.

Having examined the report of the Secretary-General,[8] the report of the Ad Hoc Committee established by General Assembly resolution 51/210[9] and the oral report of the Chairperson of the Working Group established by the Sixth Committee at the sixty-fourth session of the Assembly,[10]

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Calls upon* all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy,[1] as well as the resolution relating to the first biennial review of the Strategy,[11] in all its aspects at the international, regional, subregional and national levels without delay, including by mobilizing resources and expertise;

3. *Recalls* the pivotal role of the General Assembly in following up the implementation and the updating of the Strategy, and in this regard also recalls its invitation to the Secretary-General to contribute to the future deliberations of the Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

4. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

5. *Reiterates its call* upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (*a*) to (*f*) of General Assembly resolution 51/210;

6. *Also reiterates its call* upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

7. *Reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

8. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

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[8] A/64/161 and Add.1.

[9] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 37* (A/64/37).

[10] Ibid., *Sixty-fourth Session, Sixth Committee*, 14th meeting (A/C.6/64/SR.14).

[11] Resolution 62/272.

9. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

10. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

11. *Recalls* the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism,[12] the Amendment to the Convention on the Physical Protection of Nuclear Material,[13] the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[14] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[15] and urges all States to consider, as a matter of priority, becoming parties to these instruments;

12. *Urges* all States that have not yet done so to consider, as a matter of priority and in accordance with Security Council resolution 1373 (2001) and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[16] the International Convention for the Suppression of the Financing of Terrorism,[17] the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

13. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 12 above;

14. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraphs 11 and 12 of General Assembly resolution 63/129, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

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[11] Resolution 59/290, annex.

[12] Adopted on 8 July 2005 by the Conference to Consider Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

[13] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

[14] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[15] United Nations, *Treaty Series*, vol. 2149, No. 37517.

[16] Ibid., vol. 2178, No. 38349.

15. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism[18] and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism,[19] and calls upon all States to implement them;

16. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

17. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

18. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

19. *Welcomes* the current efforts by the Secretariat to prepare the third edition of the publication *International Instruments related to the Prevention and Suppression of International Terrorism* in all official languages;

20. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

21. *Notes* the progress made in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 and of the Working Group established by the Sixth Committee during the sixty-fourth session of the Assembly, and welcomes continuing efforts to that end;

22. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

23. *Also decides* that the Ad Hoc Committee shall meet from 12 to 16 April 2010 in order to fulfil the mandate referred to in paragraph 22 above;

24. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

25. *Requests* the Ad Hoc Committee to report to the General Assembly at its sixty-fourth session in the event of the completion of the draft comprehensive convention on international terrorism;

26. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixty-fifth session on progress made in the implementation of its mandate;

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[18] Resolution 49/60, annex.

[19] Resolution 51/210, annex.

27. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Measures to eliminate international terrorism".

64th plenary meeting
16 December 2009

General Assembly

Distr.: General
15 January 2010

Sixty-fourth session
Agenda item 142

Resolution adopted by the General Assembly

[on the report of the Sixth Committee (A/64/454)]

64/119. Administration of justice at the United Nations

The General Assembly,

Recalling its resolution 63/253 of 24 December 2008, by which it adopted the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as set out in annexes I and II to that resolution,

Recalling also article 7, paragraph 1, of the statute of the United Nations Dispute Tribunal and article 6, paragraph 1, of the statute of the United Nations Appeals Tribunal, by virtue of which, subject to the provisions of the respective statutes, each Tribunal shall establish its own rules of procedure, which shall be subject to approval by the General Assembly,

Recalling further its request that the Secretary-General submit, for approval, the rules of procedure of the Tribunals as soon as possible but no later than at its sixty-fourth session, and its decision that until then the Tribunals may apply the rules of procedure on a provisional basis,[1]

Having considered the report of the Secretary-General on approval of the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, containing the rules of procedure established by the respective Tribunals on 26 June 2009,[2]

Approves the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as set out in annexes I and II to the present resolution.

64th plenary meeting
16 December 2009

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[1] See resolution 63/253, para. 29.

[2] A/64/229.

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Annex I

Rules of procedure of the United Nations Dispute Tribunal

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Article 1
Election of the President

1. The Dispute Tribunal shall elect a President from among the full-time judges, for a renewable term of one year, to direct the work of the Tribunal and of the Registries, in accordance with the statute of the Dispute Tribunal.

2. Until otherwise decided by the Dispute Tribunal:

(a) The election shall occur at a plenary meeting every year and the President shall take up his or her duties upon election;

(b) The retiring President shall remain in office until his or her successor is elected;

(c) If the President should cease to be a judge of the Dispute Tribunal, should resign his or her office before the expiration of the normal term or is unable to act, an election shall be held for the purpose of appointing a successor for the unexpired portion of the term;

(d) Elections shall be by majority vote. Any judge who cannot attend for that purpose is entitled to vote by correspondence.

Article 2
Plenary meeting

1. The Dispute Tribunal shall normally hold a plenary meeting once a year to deal with questions affecting the administration or operation of the Dispute Tribunal.

2. Three judges shall constitute a quorum for plenary meetings of the Dispute Tribunal.

Article 3
Commencement of office

1. Unless otherwise decided by the General Assembly, the term of office of the judges of the Dispute Tribunal shall commence on the first day of July following their appointment by the General Assembly.

Article 4
Venue

The judges of the Dispute Tribunal shall exercise their functions in New York, Geneva and Nairobi respectively. However, the Dispute Tribunal may decide to hold sessions at other duty stations as required.

Article 5
Consideration by a panel

1. Except in cases falling under article 5.2 below, cases shall be considered by a single judge.

2. As provided for in its statute, the Dispute Tribunal may refer any case to a panel of three judges for a decision.

3. If a case is examined by a panel of three judges, the decision shall be taken by majority vote. Any concurring, separate or dissenting opinion shall be recorded in the judgement.

Article 6
Filing of cases

1. An application shall be filed at a Registry of the Dispute Tribunal, taking into account geographical proximity and any other relevant material considerations.

2. The Dispute Tribunal shall assign cases to the appropriate Registry. A party may apply for a change of venue.

Article 7
Time limits for filing applications

1. Applications shall be submitted to the Dispute Tribunal through the Registrar within:

(*a*) 90 calendar days of the receipt by the applicant of the management evaluation, as appropriate;

(*b*) 90 calendar days of the relevant deadline for the communication of a response to a management evaluation, namely, 30 calendar days for disputes arising at Headquarters and 45 calendar days for disputes arising at other offices; or

(*c*) 90 calendar days of the receipt by the applicant of the administrative decision in cases where a management evaluation of the contested decision is not required.

2. Any person making claims on behalf of an incapacitated or deceased staff member of the United Nations, including the Secretariat and separately administered funds and programmes, shall have one calendar year to submit an application.

3. Where the parties have sought mediation of their dispute, the application shall be receivable if filed within 90 calendar days after mediation has broken down.

4. Where an application is filed to enforce the implementation of an agreement reached through mediation, the application shall be receivable if filed within 90 calendar days of the last day for implementation as specified in the mediation agreement or, when the mediation agreement is silent on the matter, after 30 calendar days from the date of the signing of the agreement.

5. In exceptional cases, an applicant may submit a written request to the Dispute Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1 above. Such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request. The request shall not exceed two pages in length.

6. In accordance with article 8.4 of the statute of the Dispute Tribunal, no application shall be receivable if filed more than three years after the applicant's receipt of the contested administrative decision.

Article 8
Applications

1. An application may be submitted on an application form to be prescribed by the Registrar.

2. The application should include the following information:

(*a*) The applicant's full name, date of birth and nationality;

(*b*) The applicant's employment status (including United Nations index number and department, office and section) or relationship to the staff member if the applicant is relying on the staff member's rights;

(*c*) Name of the applicant's legal representative (with authorization attached);

(*d*) The address to which documents should be sent;

(*e*) When and where the contested decision, if any, was taken (with the contested decision attached);

(*f*) Action and remedies sought;

(*g*) Any supporting documentation (annexed and numbered, including, if translated, an indication thereof).

3. The signed original application form and the annexes thereto shall be submitted together. The documents may be transmitted electronically.

4. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the application to the respondent and to any other party a judge considers appropriate. If the formal requirements of the article are not fulfilled, the Registrar may require the applicant to comply with the requirements of the article within a specified period of time. Once the corrections have been properly made, the Registrar shall transmit a copy of the application to the respondent.

Article 9
Summary judgement

A party may move for summary judgement when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgement is appropriate.

Article 10
Reply

1. The respondent's reply shall be submitted within 30 calendar days of the date of receipt of the application by the respondent. The signed original reply and the annexes thereto shall be submitted together. The document may be transmitted electronically. A respondent who has not submitted a reply within the requisite period shall not be entitled to take part in the proceedings, except with the permission of the Dispute Tribunal.

2. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the response to the applicant and to any other party a judge considers appropriate. If the formal requirements of the article are not fulfilled, the Registrar may require the respondent to comply with the requirements of the article within a specified period of time. Once the corrections have been properly made, the Registrar shall transmit a copy of the reply to the applicant.

Article 11
Joining of a party

The Dispute Tribunal may at any time, either on the application of a party or on its own initiative, join another party if it appears to the Dispute Tribunal that that party has a legitimate interest in the outcome of the proceedings.

Article 12
Representation

1. A party may present his or her case to the Dispute Tribunal in person, or may designate counsel from the Office of Staff Legal Assistance or counsel authorized to practice law in a national jurisdiction.

2. A party may also be represented by a staff member or a former staff member of the United Nations or one of the specialized agencies.

Article 13
Suspension of action during a management evaluation

1. The Dispute Tribunal shall order a suspension of action on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage.

2. The Registrar shall transmit the application to the respondent.

3. The Dispute Tribunal shall consider an application for interim measures within five working days of the service of the application on the respondent.

4. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

Article 14
Suspension of action during the proceedings

1. At any time during the proceedings, the Dispute Tribunal may order interim measures to provide temporary relief where the contested administrative decision

appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage. This temporary relief may include an order to suspend the implementation of the contested administrative decision, except in cases of appointment, promotion or termination.

2. The Registrar shall transmit the application to the respondent.

3. The Dispute Tribunal shall consider an application for interim measures within five working days of the service of the application on the respondent.

4. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

Article 15
Referral to mediation

1. At any time during the proceedings, including at the hearing, the Dispute Tribunal may propose to the parties that the case be referred for mediation and suspend the proceedings.

2. Where the judge proposes and the parties consent to mediation, the Dispute Tribunal shall send the case to the Mediation Division in the Office of the Ombudsman for consideration.

3. Where parties on their own initiative decide to seek mediation, they shall promptly inform the Registry in writing.

4. Upon referral of a case to the Mediation Division, the concerned Registry shall forward the case file to the Mediation Division. The proceedings will be suspended during mediation.

5. The time limit for mediation normally shall not exceed three months. However, after consultation with the parties, where the Mediation Division considers it appropriate, it will notify the Registry that the informal efforts will require additional time.

6. It shall be the responsibility of the Mediation Division to apprise the Dispute Tribunal of the outcome of the mediation in a timely manner.

7. All documents prepared for and oral statements made during any informal conflict-resolution process or mediation are absolutely privileged and confidential and shall never be disclosed to the Dispute Tribunal. No mention shall be made of any mediation efforts in documents or written pleadings submitted to the Dispute Tribunal or in any oral arguments made before the Dispute Tribunal.

Article 16
Hearing

1. The judge hearing a case may hold oral hearings.

2. A hearing shall normally be held following an appeal against an administrative decision imposing a disciplinary measure.

3. The Registrar shall notify the parties of the date and time of a hearing in advance and confirm the names of witnesses or expert witnesses for the hearing of a particular case.

4. The parties or their duly designated representatives must be present at the hearing either in person or, where unavailable, by video link, telephone or other electronic means.

5. If the Dispute Tribunal requires the physical presence of a party or any other person at the hearing, the necessary costs associated with the travel and accommodation of the party or other person shall be borne by the Organization.

6. The oral proceedings shall be held in public unless the judge hearing the case decides, at his or her own initiative or at the request of one of the parties, that exceptional circumstances require that the oral proceedings be closed. If appropriate in the circumstances, the oral hearing may be held by video link, telephone or other electronic means.

Article 17
Oral evidence

1. The parties may call witnesses and experts to testify. The opposing party may cross-examine witnesses and experts. The Dispute Tribunal may examine witnesses and experts called by either party and may call any other witnesses or experts it deems necessary. The Dispute Tribunal may make an order requiring the presence of any person or the production of any document.

2. The Dispute Tribunal may, if it considers it appropriate in the interest of justice to do so, proceed to determine a case in the absence of a party.

3. Each witness shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth."

4. Each expert shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."

5. Any party may object to the testimony of a given witness or expert, stating reasons for such objection. The Dispute Tribunal shall decide on the matter. Its decision shall be final.

6. The Dispute Tribunal shall decide whether the personal appearance of a witness or expert is required at oral proceedings and determine the appropriate means for satisfying the requirement for personal appearance. Evidence may be taken by video link, telephone or other electronic means.

Article 18
Evidence

1. The Dispute Tribunal shall determine the admissibility of any evidence.

2. The Dispute Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute Tribunal to be necessary for a fair and expeditious disposal of the proceedings.

3. A party wishing to submit evidence that is in the possession of the opposing party or of any other entity may, in the initial application or at any stage of the proceedings, request the Dispute Tribunal to order the production of the evidence.

4. The Dispute Tribunal may, at the request of either party, impose measures to preserve the confidentiality of evidence, where warranted by security interests or other exceptional circumstances.

5. The Dispute Tribunal may exclude evidence which it considers irrelevant, frivolous or lacking in probative value. The Dispute Tribunal may also limit oral testimony as it deems appropriate.

Article 19
Case management

The Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

Article 20
Remand of case for the institution or correction of the required procedure

Prior to a determination of the merits of a case, should the Dispute Tribunal find that a relevant procedure prescribed in the Staff Regulations and Rules or applicable administrative issuances has not been observed, the Tribunal may, with the concurrence of the Secretary-General, remand the case for the institution or correction of the required procedure, which, in any case, should not take longer than three months. In such cases, the Dispute Tribunal may order the payment of compensation to the applicant for such loss as may have been caused by the procedural delay. The compensation is not to exceed the equivalent of three months' net base salary.

Article 21
Registry

1. The Dispute Tribunal shall be supported by Registries, which shall provide all necessary administrative and support services to it.

2. The Registries shall be established in New York, Geneva and Nairobi. Each Registry shall be headed by a Registrar appointed by the Secretary-General and such other staff as is necessary.

3. The Registrars shall discharge the duties set out in the rules of procedure and shall support the work of the Dispute Tribunal at the direction of the President or the judge at each location. In particular, the Registrars shall:

(*a*) Transmit all documents and make all notifications required in the rules of procedure or required by the President in connection with proceedings before the Dispute Tribunal;

(*b*) Establish for each case a master Registry file, which shall record all actions taken in connection with the preparation of the case for hearing, the dates thereof and the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;

(*c*) Perform any other duties that are required by the President or the judge for the efficient functioning of the Dispute Tribunal.

4. A Registrar, if unable to act, shall be replaced by an official appointed by the Secretary-General.

Article 22
Intervention by persons not party to the case

1. Any person for whom recourse to the Dispute Tribunal is available under article 2.4 of the statute may apply, on an application form to be prescribed by the Registrar, to intervene in a case at any stage thereof on the grounds that he or she has a right that may be affected by the judgement to be issued by the Dispute Tribunal.

2. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the application for intervention to the applicant and to the respondent.

3. The Dispute Tribunal shall decide on the admissibility of the application for intervention. Such decision shall be final and shall be communicated to the intervener and the parties by the Registrar.

4. The Dispute Tribunal shall establish the modalities of the intervention. If admissible, the Dispute Tribunal shall decide which documents, if any, relating to the proceedings are to be transmitted to the intervener by the Registrar and shall fix a time by which any written submissions must be submitted by the intervener. It shall also decide whether the intervener shall be permitted to participate in any oral proceedings.

Article 23
Intervention procedure

An application for intervention shall be submitted on a prescribed form, the signed original of which shall be submitted to the Registrar. It may be transmitted electronically.

Article 24
Friend-of-the-court briefs

1. A staff association may submit a signed application to file a friend-of-the-court brief on a form to be prescribed by the Registrar, which may be transmitted electronically. The Registrar shall forward a copy of the application to the parties, who shall have three days to file any objections, which shall be submitted on a prescribed form.

2. The President or the judge hearing the case may grant the application if it considers that the filing of the brief would assist the Dispute Tribunal in its deliberations. The decision will be communicated to the applicant and the parties by the Registrar.

Article 25
Judgements

1. Judgements shall be issued in writing and shall state the reasons, facts and law on which they are based.

2. When a case is decided by a panel of three judges, a judge may append a separate, dissenting or concurring opinion.

3. Judgements shall be drawn up in any official language of the United Nations, two signed originals of which shall be deposited in the archives of the United Nations.

4. The Registrars shall transmit a copy of the judgement to each party. An individual applicant or respondent shall receive a copy of the judgement in the language in which the original application was submitted, unless he or she requests a copy in another official language of the United Nations.

5. The Registrars shall send to all judges of the Dispute Tribunal copies of all the judgements of the Dispute Tribunal.

Article 26
Publication of judgements

1. The Registrars shall arrange for publication of the judgements of the Dispute Tribunal on the website of the Dispute Tribunal after they are delivered.

2. The judgements of the Dispute Tribunal shall protect personal data and shall be available at the Registry of the Dispute Tribunal.

Article 27
Conflict of interest

1. The term "conflict of interest" means any factor that may impair or reasonably give the appearance of impairing the ability of a judge to independently and impartially adjudicate a case assigned to him or her.

2. A conflict of interest arises where a case assigned to a judge involves any of the following:

(*a*) A person with whom the judge has a personal, familiar or professional relationship;

(*b*) A matter in which the judge has previously served in another capacity, including as an adviser, counsel, expert or witness;

(*c*) Any other circumstances that would make it appear to a reasonable and impartial observer that the judge's participation in the adjudication of the matter would be inappropriate.

Article 28
Recusal

1. A judge of the Dispute Tribunal who has or appears to have a conflict of interest as defined in article 27 of the rules of procedure shall recuse himself or herself from the case and shall so inform the President.

2. A party may make a reasoned request for the recusal of a judge on the grounds of a conflict of interest to the President of the Dispute Tribunal, who, after seeking comments from the judge, shall decide on the request and shall inform the party of the decision in writing. A request for recusal of the President shall be referred to a three-judge panel for decision.

3. The Registrar shall communicate the decision to the parties concerned.

Article 29
Revision of judgements

1. Either party may apply to the Dispute Tribunal for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence.

2. An application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

3. The application for revision will be sent to the other party, who has 30 days after receipt to submit comments to the Registrar.

Article 30
Interpretation of judgements

Either party may apply to the Dispute Tribunal for an interpretation of the meaning or scope of a judgement, provided that it is not under consideration by the Appeals Tribunal. The application for interpretation shall be sent to the other party, who shall have 30 days to submit comments on the application. The Dispute Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation.

Article 31
Correction of judgements

Clerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Dispute Tribunal, either on its own initiative or on the application by any of the parties on a prescribed form.

Article 32
Execution of judgements

1. Judgements of the Dispute Tribunal shall be binding on the parties, but are subject to appeal in accordance with the statute of the Appeals Tribunal. In the absence of such appeal, it shall be executable following the expiry of the time provided for appeal in the statute of the Appeals Tribunal.

2. Once a judgement is executable under article 11.3 of the statute of the Dispute Tribunal, either party may apply to the Dispute Tribunal for an order for execution of the judgement if the judgement requires execution within a certain period of time and such execution has not been carried out.

Article 33
Titles

The titles of the articles in the rules of procedure are for reference purposes only and do not constitute an interpretation of the article concerned.

Article 34
Calculation of time limits

The time limits prescribed in the rules of procedure:

(*a*) Refer to calendar days and shall not include the day of the event from which the period runs;

(*b*) Shall include the next working day of the Registry when the last day of the period is not a working day;

(*c*) Shall be deemed to have been met if the documents in question were dispatched by reasonable means on the last day of the period.

Article 35
Waiver of time limits

Subject to article 8.3 of the statute of the Dispute Tribunal, the President, or the judge or panel hearing a case, may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require.

Article 36
Procedural matters not covered in the rules of procedure

1. All matters that are not expressly provided for in the rules of procedure shall be dealt with by decision of the Dispute Tribunal on the particular case, by virtue of the powers conferred on it by article 7 of its statute.

2. The Dispute Tribunal may issue practice directions related to the implementation of the rules of procedure.

Article 37
Amendment of the rules of procedure

1. The Dispute Tribunal in plenary meeting may adopt amendments to the rules of procedure, which shall be submitted to the General Assembly for approval.

2. The amendments shall operate provisionally until approved by the General Assembly or until they are amended or withdrawn by the Dispute Tribunal in accordance with a decision of the General Assembly.

3. The President, after consultation with the judges of the Dispute Tribunal, may instruct the Registrars to revise any forms from time to time in the light of experience, provided that such modifications are consistent with the rules of procedure.

Article 38
Entry into force

1. The rules of procedure shall enter into force on the first day of the month following their approval by the General Assembly.

2. The rules of procedure shall operate provisionally from the date of their adoption by the Dispute Tribunal until their entry into force.

Annex I

Rules of procedure of the United Nations Appeals Tribunal

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Article 1
Election of the President and Vice-Presidents

1. The Appeals Tribunal shall elect a President, a First Vice-President and a Second Vice-President.

2. Until otherwise decided by the Appeals Tribunal:

(*a*) The election shall occur at a plenary meeting during the Appeals Tribunal's last session each year. The President and Vice-Presidents shall hold office for one year and shall take up their duties upon election;

(*b*) The retiring President and Vice-Presidents shall remain in office until their successors are elected;

(*c*) If a President or a Vice-President should cease to be a judge of the Appeals Tribunal or should resign his or her office before the expiration of the normal term, an election shall be held for the purpose of appointing a successor for the unexpired portion of the term;

(*d*) Elections shall be by majority vote. Any judge who cannot attend for that purpose is entitled to vote by correspondence.

Article 2
Functions of the President and Vice-Presidents

1. The President shall direct the work of the Appeals Tribunal and of the Registry, shall represent the Appeals Tribunal in all administrative matters and shall preside at the meetings of the Appeals Tribunal.

2. If the President is unable to act, he or she shall designate one of the Vice-Presidents to act as President. In the absence of any such designation by the President, the First Vice-President or, in the event of the latter's incapacity, the Second Vice-President shall act as President.

3. The President of the Appeals Tribunal may, within seven calendar days of a written request by the President of the Dispute Tribunal, authorize the referral of a case to a panel of three judges of the Dispute Tribunal, when necessary, by reason of the particular complexity or importance of the case.

Article 3
Composition of the Appeals Tribunal for its sessions

1. Unless otherwise decided by the General Assembly, the term of office of the judges of the Appeals Tribunal shall commence on the first day of July following their appointment by the General Assembly.

2. No member of the Appeals Tribunal can be dismissed by the General Assembly unless the other members unanimously agree that he or she is unsuited for further service.

Article 4
Panels

1. The President shall normally designate a panel of three judges to hear a case or a group of cases.

2. When the President or any two judges sitting on a particular case consider that the case so warrants, the case shall be heard by the whole Appeals Tribunal.

Article 5
Ordinary and extraordinary sessions

1. The Appeals Tribunal shall exercise its functions in New York and shall hold ordinary sessions for the purpose of hearing cases. The Appeals Tribunal shall

normally hold two ordinary sessions per calendar year and may decide to hold sessions in Geneva or Nairobi, as required by its caseload.

2. Extraordinary sessions for the consideration of cases may be convened by the President when, in his or her opinion, the number or urgency of the cases requires such sessions. Notice of an extraordinary session shall be given to the members of the Tribunal at least 30 days before the opening date of the session.

3. The President shall decide the date and venue of ordinary and extraordinary sessions after consultation with the Registrar.

Article 6
Plenary meetings

1. The Appeals Tribunal shall normally hold four plenary meetings a year, at the beginning and at the end of each of the regular sessions, to deal with questions affecting the administration or operation of the Appeals Tribunal. It shall elect its officers at a plenary meeting, normally the last one in the calendar year.

2. Four judges shall constitute a quorum for plenary meetings of the Appeals Tribunal.

Article 7
Time limits for filing appeals

1. Appeals instituting proceedings shall be submitted to the Appeals Tribunal through the Registrar within:

(*a*) 45 calendar days of the receipt by a party appealing a judgement of the Dispute Tribunal;

(*b*) 90 calendar days of the date of receipt by a party appealing a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; or

(*c*) A time limit fixed by the Appeals Tribunal under article 7.2 of the rules of procedure.

2. In exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1. The written request shall succinctly set out the exceptional reasons that, in the view of the appellant, justify the request. The written request shall not exceed two pages.

3. In accordance with article 7.4 of the statute of the Appeals Tribunal, no application shall be receivable if filed more than one year after the judgement of the Dispute Tribunal.

Article 8
Appeals

1. Appeals shall be submitted on a prescribed form.

2. The appeal form shall be accompanied by:

(*a*) A brief that explains the legal basis of any of the five grounds for appeal set out in article 2.1 of the statute of the Appeals Tribunal that is relied upon or, in the case of an appeal against a decision of the Standing Committee acting on behalf

of the United Nations Joint Staff Pension Board, a brief containing pleas and an explanatory statement. The brief shall not exceed 15 pages;

(*b*) A copy of each document referred to by the appellant in the appeal, accompanied by a translation into one of the official languages of the United Nations if the original language is not one of the official languages; such documents shall be identified by the word "Annex" at the top of the first page of each document followed by sequential arabic numerals.

3. The signed original appeal form and the annexes thereto shall be submitted together to the Registrar. The documents may be transmitted electronically.

4. After ascertaining that the appeal complies with the requirements of the present article, the Registrar shall transmit a copy of the appeal to the respondent. If the formal requirements of the article are not fulfilled, the Registrar may require the appellant to conform the appeal to the requirements of the article within a specified time. Once the corrections have been properly made, the Registrar shall transmit a copy of the appeal to the respondent.

5. The President may direct the Registrar to inform an appellant that his or her appeal is not receivable because it is not an appeal against either a decision of the Dispute Tribunal or of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board, as the case may be.

6. The filing of an appeal shall suspend the execution of the judgement contested.

Article 9
Answers

1. The respondent's answer shall be submitted on a prescribed form.

2. The answer form shall be accompanied by:

(*a*) A brief, which shall not exceed 15 pages, setting out legal arguments in support of the answer;

(*b*) A copy of each document referred to by the respondent in the answer, accompanied by a translation into one of the official languages of the United Nations if the original language is not one of the official languages; such documents shall be identified by the word "Annex" at the top of the first page of each document and an arabic numeral which follows in sequence the numbering of the annexes to the appeal form referred to in article 8.2 (*b*).

3. The signed original answer form and the annexes thereto shall be submitted together to the Registrar within 45 days of the date on which the respondent received the appeal transmitted by the Registrar. The documents may be transmitted electronically.

4. Within 15 days of notice of the appeal, a party answering the appeal may serve a notice of cross-appeal with the Appeals Tribunal stating the relief sought and the grounds of the cross-appeal. The cross-appeal may not add new claims.

5. After ascertaining that the answer complies with the requirements of the present article, the Registrar shall transmit a copy of the answer to the appellant. If the formal requirements of the article are not fulfilled, the Registrar may require the respondent to conform the answer to the requirements of the present article within a specified time. Once the corrections have been properly made, the Registrar shall transmit a copy of the answer to the appellant. If the corrections are not submitted within the established time limit, including any extension granted by the Appeals

Tribunal, the preliminary proceedings will be considered closed and the Appeals Tribunal will adjudicate the matter on the basis of the appeal lodged by the appellant.

Article 10
Additional documentary evidence, including written testimony

1. A party may seek to submit to the Appeals Tribunal, with an appeal or an answer, documentary evidence, including written testimony, in addition to that contained in the written record. In exceptional circumstances and where the Appeals Tribunal determines that the facts are likely to be established with such additional documentary evidence, it may receive the additional evidence from a party. On its own volition, the Tribunal may order the production of evidence if it is in the interest of justice and the efficient and expeditious resolution of the case, provided that the Appeals Tribunal shall not receive additional written evidence if it was known to the party seeking to submit the evidence and should have been presented to the Dispute Tribunal.

2. In all other cases where additional findings of fact are needed, the Appeals Tribunal may remand the case to the Dispute Tribunal for further fact-finding. Where the Appeals Tribunal remands a case to the Dispute Tribunal, it may order that the case be considered by a different judge of the Dispute Tribunal.

Article 11
Docket of cases

1. When the President considers the documentation of a case to be sufficiently complete, he or she shall instruct the Registrar to place the case on the docket of cases ready for adjudication by the Appeals Tribunal. The docket for the session shall be communicated to the parties.

2. As soon as the date of opening of the session at which a case listed for hearing has been fixed, the Registrar shall notify the parties thereof.

3. Any request for the adjournment of a case that is listed on the docket shall be decided by the President or, when the Appeals Tribunal is in session, by the judges hearing the case.

Article 12
Working languages

The working languages of the Appeals Tribunal shall be English and French.

Article 13
Representation

1. A party may present his or her case before the Appeals Tribunal in person or may designate counsel from the Office of Staff Legal Assistance or counsel authorized to practice law in a national jurisdiction.

2. A party may also be represented by a staff member or a former staff member of the United Nations or one of the specialized agencies.

Article 14
Waiver of rules concerning written pleadings

Subject to article 7.4 of the statute of the Appeals Tribunal and provided that the waiver does not affect the substance of the case before the Appeals Tribunal, the

President may waive the requirements of any article of the rules of procedure dealing with written proceedings.

Article 15
Exclusion of all documents and statements made during mediation

1. Except in cases concerning enforcement of a settlement agreement, all documents prepared for and oral statements made during any informal conflict-resolution process or mediation are absolutely privileged and confidential and shall never be disclosed to the Appeals Tribunal. No mention shall be made of any mediation efforts in documents or written pleadings submitted to the Appeals Tribunal or in any oral arguments made before the Appeals Tribunal.

2. Subject to the provisions of paragraph 1 above, if a document relating to the mediation process is submitted to the Appeals Tribunal, the Registrar shall return that document to the submitting party. If such information is part of the brief or any other written pleadings submitted to the Appeals Tribunal by a party, all pleadings shall be returned to that party for resubmission to the Appeals Tribunal in compliance with paragraph 1 above.

3. Subject to article 7.4 of the statute of the Appeals Tribunal, the President may fix one non-renewable time limit not exceeding five days for the resubmission of the written pleadings if the initial period for the submission of such pleadings has expired.

Article 16
Intervention by persons not party to the case

1. Any person for whom recourse to the Appeals Tribunal is available under article 6.2 (*f*) of the statute may apply to intervene in a case at any stage thereof on the grounds that his or her rights may have been affected by the judgement of the Dispute Tribunal and might, therefore, be affected by the judgement of the Appeals Tribunal.

2. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the application for intervention to the appellant and to the respondent.

3. The President or, when the Tribunal is in session, the presiding judge of the panel of the Appeals Tribunal hearing the case shall rule on the admissibility of every application for intervention. Such decision shall be final and shall be communicated to the intervener and the parties by the Registrar.

4. An application for intervention shall be submitted on a prescribed form, the signed original of which shall be submitted to the Registrar. It may be transmitted electronically.

Article 17
Friend-of-the-court briefs

1. A person or organization for whom recourse to the Appeals Tribunal is available and staff associations may submit a signed application to file a friend-of-the-court brief, which may be transmitted electronically. The Registrar shall forward a copy of the application to the parties, who shall have three days to file any objections on a prescribed form.

2. The President or the panel hearing the case may grant the application if it considers that the filing of the brief would assist the Appeals Tribunal in its deliberations. The decision will be communicated to the applicant and the parties by the Registrar.

Article 18
Oral proceedings

1. The judges hearing a case may hold oral hearings on the written application of a party or on their own initiative if such hearings would assist in the expeditious and fair disposal of the case.

2. The oral proceedings shall be held in public unless the judges hearing the case decide, on their own initiative or at the request of one of the parties, that exceptional circumstances require that the oral proceedings be closed. If appropriate in the circumstances, the oral hearing may be held by electronic means.

Article 19
Adoption and issuance of judgements

1. Judgements shall be adopted by majority vote. All deliberations shall be kept confidential.

2. Judgements shall be issued in writing and shall state the reasons, facts and law on which they are based.

3. A judge may append a separate, dissenting or concurring opinion.

4. Judgements shall be drawn up in any official language of the United Nations, two signed originals of which shall be deposited in the archives of the United Nations.

5. The Registrar shall transmit a copy of the judgement to each party. An individual appellant or respondent shall receive a copy of the judgement in the language of the appeal or answer, as the case may be, unless a copy is requested in another official language of the United Nations.

6. The Registrar shall send to all judges of the Appeals Tribunal copies of all the decisions of the Appeals Tribunal.

Article 20
Publication of judgements

1. The Registrar shall arrange for publication of the judgements of the Appeals Tribunal on the website of the Appeals Tribunal after they are delivered.

2. The published judgements will normally include the names of the parties.

Article 21
Registry

1. The Appeals Tribunal shall be supported by a Registry, which shall provide all necessary administrative and support services to it.

2. The Registry shall be established in New York and shall be headed by a Registrar appointed by the Secretary-General and such staff as is necessary.

3. The Registrar shall discharge the duties set out in the rules of procedure and shall support the work of the Appeals Tribunal at the direction of the President. In particular, the Registrar shall:

(*a*) Transmit all documents and make all notifications required in the rules of procedure or required by the President or a panel hearing a case in connection with proceedings before the Appeals Tribunal;

(*b*) Establish for each case a master Registry file, which shall record all actions taken in connection with the preparation of the case for hearing, the dates thereof and the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;

(*c*) Perform any other duties that are required by the President for the efficient functioning of the Appeals Tribunal and the efficient disposal of its caseload.

4. The Registrar, if unable to act, shall be replaced by an official appointed by the Secretary-General.

Article 22
Conflict of interest

1. The term "conflict of interest" means any factor that may impair or reasonably give the appearance of impairing the ability of a judge to independently and impartially adjudicate a case assigned to him or her.

2. A conflict of interest arises where a case assigned to a judge involves any of the following:

(*a*) A person with whom the judge has a personal, familiar or professional relationship;

(*b*) A matter in which the judge has previously served in another capacity, including as an adviser, counsel, expert or witness;

(*c*) Any other circumstances that would make it appear to a reasonable and impartial observer that the judge's participation in the adjudication of the matter would be inappropriate.

Article 23
Recusal

1. A judge of the Appeals Tribunal who has or appears to have a conflict of interest as defined in article 22 of the rules of procedure shall recuse himself or herself from the case and shall so inform the President.

2. A party may make a reasoned request for the recusal of a judge on the grounds of conflict of interest to the President of the Appeals Tribunal, which, after seeking comments from the judge, shall decide on the request and shall inform the party of the decision in writing.

3. A decision by a judge to recuse himself or herself, or a decision by the President of the Appeals Tribunal to recuse a judge, shall be communicated to the parties concerned by the Registrar.

Article 24
Revision of Judgements

Either party may apply to the Appeals Tribunal, on a prescribed form, for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application for revision will be sent to the other party, who has 30 days to submit comments to the Registrar on a prescribed form. The application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

Article 25
Interpretation of judgements

Either party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of a judgement on a prescribed form. The application for interpretation shall be sent to the other party, who shall have 30 days to submit comments on the application on a prescribed form. The Appeals Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation.

Article 26
Correction of Judgements

Clerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own initiative or on the application by any of the parties on a prescribed form.

Article 27
Execution of judgements

Where a judgement requires execution within a certain period of time and such execution has not been carried out, either party may apply to the Appeals Tribunal for an order for execution of the judgement.

Article 28
Titles

The titles to the articles in the rules of procedure are for reference purposes only and do not constitute an interpretation of the article concerned.

Article 29
Calculation of time limits

The time limits prescribed in the rules of procedure:

(*a*) Refer to calendar days, but shall not include the day of the event from which the period runs;

(*b*) Shall include the next working day of the Registry when the last day of the period is not a working day;

(*c*) Shall be deemed to have been met if the documents in question were dispatched by reasonable means on the last day of the period.

Article 30
Waiver of time limits

Subject to article 7.4 of the statute of the Appeals Tribunal, the President or the panel hearing a case may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require.

Article 31
Procedural matters not covered in the rules of procedure

1. All matters that are not expressly provided for in the rules of procedure shall be dealt with by decision of the Appeals Tribunal on the particular case, by virtue of the powers conferred on it by article 6 of its statute.

2. The Appeals Tribunal may issue practice directions related to the implementation of the rules of procedure.

Article 32
Amendment of the rules of procedure

1. The Appeals Tribunal in plenary meeting may adopt amendments to the rules of procedure, which shall be submitted to the General Assembly for approval.

2. The amendments shall operate provisionally until approved by the General Assembly.

3. The President, after consultation with the judges of the Appeals Tribunal, may instruct the Registrar to revise any forms from time to time in the light of experience, provided that such modifications are consistent with the rules of procedure.

Article 33
Entry into force

1. The rules of procedure shall enter into force on the first day of the month following their approval by the General Assembly.

2. The rules of procedure shall operate provisionally from the date of their adoption by the Appeals Tribunal until their entry into force.

General Assembly

Distr.: General
15 January 2010

Sixty-fourth session
Agenda item 164

Resolution adopted by the General Assembly

[*on the report of the Sixth Committee (A/64/455)*]

64/120. Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[1]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[2] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 25 of its report;[1]

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance, are in the interest of the United Nations and all Member States, and requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions; and urges the host country to continue to take appropriate

[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 26* (A/64/26).

[2] Resolution 22 A (I).

[3] See resolution 169 (II).

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action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities and if violations occur to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

3. *Notes* the problems experienced by some permanent missions in connection with the implementation of the Parking Programme for Diplomatic Vehicles[4] and shall remain seized of the matter, with a view to continuing to maintain the proper implementation of the Parking Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

4. *Requests* the host country to consider removing the remaining travel restrictions imposed by it on staff of certain missions and staff members of the Secretariat of certain nationalities, and, in this regard, notes the positions of affected States, as reflected in the report of the Committee, of the Secretary-General and of the host country;

5. *Notes* that the Committee anticipates that the host country will enhance its efforts to ensure the issuance of entry visas, in a timely manner, to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] to travel to New York on United Nations business; and notes that the Committee anticipates that the host country will enhance efforts, including visa issuance, to facilitate the participation of representatives of Member States in other United Nations meetings as appropriate;

6. *Notes also* that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings;

7. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

8. *Affirms* the importance of the Committee being in a position to fulfil its mandate and meet on short notice to deal with urgent and important matters concerning the relations between the United Nations and the host country, and in that connection requests the Secretariat and the Committee on Conferences to accord priority to requests from the Committee on Relations with the Host Country for conference-servicing facilities for meetings of that Committee that must be held while the General Assembly and its Main Committees are meeting, without prejudice to the requirements of those bodies and on an "as available" basis;

9. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

10. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

11. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Report of the Committee on Relations with the Host Country".

64th plenary meeting
16 December 2009

[4] A/AC.154/355, annex.